

## **Raymond Planning Board Minutes**

**July 23, 2009**

**Approved 08/06/09**

**Place:** Raymond High School; Media Center

**Call to Order:** 7:36 p.m.

**Members Present:** Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Jim Kent, Secretary; Bill Hoitt, Selectmen's Ex-Officio; Bill Cantwell, Gretchen Gott; Doug Vogel.

**Staff Present:** Ernest Cartier Creveling, Community Development Director; Robert Price, Planning Technician.

### **Pledge of Allegiance**

### **Public Hearing - Public Service of New Hampshire Scenic Road Request**

*Continued from 06/18/2009 - A request has been received from Public Service of New Hampshire to trim and remove trees and brush adjacent to and beneath some of its power lines located along Long Hill Road, which is designated as a Scenic Road under the provisions of RSA 231:157.*

*Members Sitting for this Hearing: Jonathan Wood; Carolyn Matthews; Jim Kent; Bill Hoitt; Gretchen Gott; Doug Vogel; Bill Cantwell.*

Dave Crane, an arborist with Public Service of New Hampshire, stated since the last meeting, almost all residents along Long Hill Road have been contacted by Asplundh, PSNH's contractor. He is unaware of any unresolved issues that residents may have at this point.

Carolyn Matthews asked if the leftover utility poles have been removed, as discussed at the last meeting. Mr. Crane replied that the pole removal is the responsibility of FairPoint Communications. He noted he has been in contact with FairPoint about the poles.

### **PUBLIC COMMENT**

Barbara Powers, a resident of 32 Long Hill Road, stated she feels some of the trimmings that have been done on Long Hill Road in the past have been questionable. She stated in the past there have been 15-20-foot trees left with all the limbs taken off, and also stone walls have been broken as a result of the cutting. She stated she would like to be present when work occurs on her property. Mr. Crane took Ms. Powers' information, and noted he would ensure the appropriate individuals are informed of her request to be home when work takes place.

Ms. Powers stated the brochure that was left behind had a questionnaire included, however it was printed on the back side of the information, so the information she wanted to keep about the trimming needed to be turned back in when submitting the questionnaire.

Sally Paradis stated she lives at 13 Long Hill Road, and owns property at 12 Long Hill Road. She stated she, too, would like to be home when work takes place at her residence, adding that

she would like to be contacted by Asplundh because she has not yet spoken with anyone. Mr. Crane stated he would ensure Ms. Paradis is contacted by Asplundh prior to work taking place.

Jonathan Wood noted that there is a balance between the scenic and safety components of this tree trimming work.

**MOTION:** Carolyn Matthews made a motion to grant written permission to Public Service Company of New Hampshire (PSNH), under RSA 231:158 (II), entitled Effect of Designation as Scenic Roads, to remove certain trees, as marked by PSNH and trim trees and brush, per PSNH specifications as presented by David Crane, PSNH arborist, on Long Hill Road. PSNH shall coordinate with the Raymond Police Department with regard to traffic safety. Also, PSNH shall continue to consult with abutting residents, as necessary. Lastly, PSNH should reexamine their informational brochure. Jim Kent seconded the motion. The motion passed with a unanimous vote of 7-0-0.

### **Public Hearing – Al Martin Site Plan**

*Continued from 06/04/2009; Application #2008-017 - An application for Site Plan Review has been submitted by RSL Layout & Design/Jones & Beach Engineers, Inc. on behalf of Albert & Gail Martin. The applicant proposes to construct an antiques store and a used car facility. The property is shown on Raymond Tax Map 11, Lot 5; 65 Chester Road.*

*Members Sitting for this Hearing: Jonathan Wood; Carolyn Matthews; Jim Kent; Bill Hoitt; Gretchen Gott; Doug Vogel; Bill Cantwell.*

Community Development Director Cartier Creveling stated the most recent Altus Engineering Review, dated June 26, 2009, contains nine items. He explained item #7, 8 and 9 are items that the Board needs to address tonight with the applicant.

Joe Coronati of Jones & Beach Engineers, Inc. reviewed the Altus review for the Board, and gave a status update for each of the items.

In regards to the phasing of the site plan, Mr. Coronati stated he feels it is straightforward:

- Phase I – Wholesale car sales. This would consist of a parking lot and the existing house, which would be utilized as an office.
- Phase II – Construction of a 40' x 40' building. This phase would also include construction of all remaining site-related items (i.e. parking lot pavement)
- Phase III – Construction of the additional building in the rear. All other site work will have been completed already by this time.

Jonathan Wood asked about the hours of operation for each of the businesses being located on the site. Mr. Coronati replied the plans originally noted a general frame for hours of operation for all the activities calling for an ending time of 9:00 p.m. He stated if the Board would like to review this, he is fine with doing that.

Per the Board's discussion, it was determined that Phase I hours of operation shall be 8:00 a.m. to 6:00 p.m., seven days a week. The Phase II hours of operation shall be 8:00 a.m. to 9:00 p.m., seven days a week. The Phase III hours of operation shall remain 8:00 a.m. to 9:00 p.m., seven days a week.

Bill Cantwell asked how lighting would be handled after-hours. Mr. Coronati replied there would be a need for security lighting. He added there are dimmers that can be set on a timer for the lights proposed on the site. He added that site lights will dim at closing, and the sign lighting will go out completely.

Jonathan Wood clarified for those in attendance that all the lighting fixtures proposed for the site are Dark Sky compliant, and the lighting plan is compliant with the Raymond Site Plan Review Regulations.

#### PUBLIC COMMENT – LIGHTING ISSUES ONLY

Loukas Papamichael (not an abutter) asked why only lighting is being discussed at this time when all the items on the Altus review have not yet been discussed. He stated there are more important issues that take priority over lighting. He stated there are numerous safety concerns that he would like to see addressed before lighting issues. Mr. Wood responded he intends to go through the list point-by-point, and discuss each item individually.

Kathy McDonald (not an abutter) asked how lighting will be installed (will all the lighting be installed with phase one, or will it increase with each phase). Mr. Wood responded there will be lighting in phase one that will dim when the operation closes for the day (6:00 p.m.).

Ms. McDonald asked what type of sign lighting is proposed. Mr. Coronati replied the sign will be a typical wooden sign with lights shining onto it.

Ms. McDonald asked if any pole lights are proposed, and how tall they will be. Mr. Coronati responded there are pole lights proposed. The tallest will be 20 feet above finished grade, and the lights mounted to the building are 12 feet above finished grade.

John Hutchinson (not an abutter) asked who enforces lighting times, so ensure lights are being dimmed at the appropriate hour. Mr. Wood replied the lights will have to dim after the hours of operation. He added if it is discovered that it is 1:00 a.m. and the site is fully lit, then a call should be placed to the Town's Code Enforcement Officer.

Gretchen Gott stated she is concerned about the affect of lighting on the abutting Kelly property. Mr. Coronati explained the lights are back-shielded, adding he does not believe this property owner will notice the light on her property.

Mr. Wood noted the next concern of Altus, which involves the potential for groundwater contamination and a suggestion for submittal of a spill prevention plan. Mr. Coronati explained this concern originally came up when the site was going to be half-gravel/half-pavement. The

applicant has now opted to pave the entire site during the first phase. This will remove the component of cars being parked on gravel.

Carolyn Matthews stated the Altus review indicates a spill prevention plan would be associated with car repairs. Al Martin, the applicant, explained all repairs would happen in the garage that will be constructed as part of phase 2. No repair work would occur before this. Ms. Matthews asked if the applicant was willing to make the “no repair work to occur prior to Phase 2” statement a condition of approval. Mr. Martin agreed.

Community Development Director Cartier Creveling stated he is uncertain if a spill prevention plan would be required by the State as part of Mr. Martin’s licensing requirements. He stated his recommendation would be that the Board requires a spill prevention plan for phase 2.

Jonathan Wood polled the Board to determine if a spill prevention plan should or should not be required of the applicant during phase 1.

#### POLL RESULTS

Carolyn Matthews – No  
Doug Vogel – No  
Bill Cantwell – No  
Bill Hoitt – No  
Gretchen Gott – Yes  
Jim Kent – No  
Jonathan Wood – No

Jonathan Wood polled the Board to determine if a spill prevention plan should or should not be required of the applicant during phase 2.

#### POLL RESULTS

Carolyn Matthews – Yes  
Doug Vogel – Yes  
Bill Cantwell – Yes  
Bill Hoitt – Yes  
Gretchen Gott – Yes  
Jim Kent – Yes  
Jonathan Wood – Yes

Jonathan Wood polled the Board to determine if a condition of approval should be placed requiring all repair work to occur indoors.

#### POLL RESULTS

Carolyn Matthews – Yes  
Doug Vogel – Yes  
Bill Cantwell – Yes  
Bill Hoitt – Yes

Gretchen Gott – Yes  
Jim Kent – Yes  
Jonathan Wood – Yes

PUBLIC COMMENT – GROUNDWATER CONTAMINATION ISSUES ONLY

Loukas Papamichael (not an abutter) stated everyone living in this area is concerned with potential contamination of their wells. He noted this area is completely residential, and a commercial business is being spot zoned in the middle of it.

John Hutchinson (not an abutter) asked if the garage will have a floor drain and a storage tank to capture any spills. Mr. Cartier Creveling noted the State may have a list of requirements that will encompass several items, such as this concern. He added he needs to look into this issue further.

Both Gretchen Gott and Doug Vogel expressed concern with the fact that the plan seems to be shifting at each meeting, and new proposals (i.e. car repair) seem to be brought forth at each meeting.

Richard Flibotte (not an abutter) stated several used cars will be brought onto the site during phase 1. He stated at the last site walk, he noticed a pickup truck on the property that is leaking fluids onto the ground. He stated he has been told that the retention pond will be lined so it will collect any spillage and prevent it from getting into the ground. However, much of the site work is already complete, and was not inspected. He asked how this problem will be handled. Mr. Wood replied Altus Engineering will inspect the site, and if they determine the retention pond needs to be taken apart, then it will be taken apart. This is part of the risk that the applicant assumed in doing work ahead of receiving approval.

Bob McDonald (not an abutter) asked about uses taking place on the site not listed on the DOT Driveway Permit, where the permit clearly states any additional use can result in revocation of the permit. Mr. Coronati explained they reapplied for the driveway permit, and listed the additional uses, and were granted a new permit.

Planning Technician Price noted that the applicant will need to grant the Board an extension to the review period. Mr. Coronati granted the Board an extension to the review period, and confirmed he would follow up via email to put a date in writing.

MOTION: Bill Cantwell made a motion to continue this hearing to August 20, 2009 at 7:00 p.m. at Raymond High School. Bill Hoitt seconded. The motion passed with a vote of 6-1-0, with Doug Vogel opposed.

**Public Hearing - James Gregoire “Bohle Way” Conservation Subdivision – Phasing Amendment**

*Application #2008-001 – An application for an amended subdivision has been submitted by Jones & Beach Engineers, Inc. on behalf of James Gregoire for a conservation subdivision known as “Bohle Way,” originally approved May 15, 2008. The applicant proposes to amend the subdivision approval in order to build the project in two phases. The first phase is to construct a gravel driveway in the same location as the proposed roadway, with overhead electrical utilities. A house would be constructed on lot 8 and serviced by a well and septic system. Additionally, the proposed wetland crossings would be constructed. The second phase of the project is the complete buildout of the roadway and completion of all on- and off-site improvements, as designed. The property is shown on Raymond Tax Map 23, Lot 4; Batchelder Road.*

*Members Sitting for this Hearing: Jonathan Wood; Carolyn Matthews; Jim Kent; Bill Hoitt; Gretchen Gott; Doug Vogel; Bill Cantwell.*

Community Development Director Cartier Creveling stated as the Board may recall, Mr. Gregoire discussed options with staff, and it was suggested that he could phase the project in order to get his home constructed. The phasing plan would allow for the proposed roadway to be used as a driveway. Phase 2 would consist of the remainder of the project.

Mr. Cartier Creveling continued regarding the original 24’ wetland crossing located about halfway up the driveway. He explained that the applicant has requested installing only a 12’ crossing, provided that the interior dimensions of the culvert remain the same for flow purposes. Both Fire Chief Pratt and Eric Weinrieb of Altus Engineering saw no difficulty with this request.

James Gregoire noted he is also researching alternative means to provide power to the proposed home. To satisfy intent, he does have access to run overhead utilities. However, the expense to do so is prohibitive, and running underground is more expensive. He stated he is looking at obtaining a utility easement from Bayou Drive, or going off the grid. Mr. Gregoire noted if he obtains an easement, he is planning on running underground utilities, adding that installing overhead lines, to remove them and replace them with underground is a waste of money.

Jim Kent asked if the wetland permit application will need to be revised to show the lesser impact. Joe Coronati of Jones & Beach Engineers, Inc. stated the permit will not need to be revised to impact a smaller area. The Department of Environmental Services (DES) gives a maximum allowance for impact on permits.

Gretchen Gott questioned the letter from Altus Engineering that states the wetlands permit will be affected, not might be affected. Jonathan Wood stated a condition of approval can be placed requiring the applicant to obtain the required state and federal permits, as is typically done. If DES says they will not revise the permit for a lesser crossing, then the larger, permitted crossing will go forward.

Mr. Cartier Creveling read a proposed condition for the Board’s consideration: In regards to the amended bridge width, applicant shall provide written proof from the DES Wetlands Bureau that this is permissible.

Jonathan Wood polled the Board to determine if the condition, as read by Community Development Director Cartier Creveling is acceptable or not.

#### POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Yes

Bill Hoitt – No

Bill Cantwell – Yes

Doug Vogel – Yes

Carolyn Matthews – Yes

Jonathan Wood – Yes

Carolyn Matthews stated during the site walk last year, buffering was discussed between the Southern NH Services elderly building and the project, and at that time it was decided not to require additional buffering. She asked if any equipment will be brought to the single family home, which could, on a gravel driveway, lead to dust issues. Mr. Gregoire stated currently, he has an agreement in place with Southern NH Services allowing them onto his property so they can pump their septic systems. As part of the subdivision, the new access will be via the fire access that will be created. He added the team at Southern NH Services has voiced no concern with his proposal, and noted that the residents use his property to walk their dogs, etc.

Gretchen Gott stated during the site walk last year, a lot of the property was open and not stabilized. She asked what will be done. Mr. Gregoire stated everything that was disturbed has been re-seeded. She stated she does not believe that the site has been stabilized at this time. Mr. Gregoire stated Ms. Gott has not been on the site in several years. He stated the site has been stabilized since then. Ms. Gott replied the last site walk took place a year and a half ago with new Board members. She stated the site was not stabilized at that time.

Mr. Cartier Creveling pointed out that the plan is already approved, and did not have a condition related to site stability if the project was not built at that time. The project had the same chance of not being built then, as it does now. He also noted the applicant has a separate, valid excavation approval.

Carolyn Matthews stated site stability can not be defined because there are too many unknowns. She stated she feels the conditions of approval accurately address this issue.

#### PUBLIC COMMENT

There was no public comment.

MOTION: Doug Vogel made a motion to conditionally approve amendments to the Conditions of Approval dated May 15, 2008 for Application #2008-001, an application for a 12-unit conservation subdivision from James Gregoire, located on Raymond Tax Map 23, Lot 4 with the following conditions:

1. The conditions of approval designated as conditions precedent to signing and recording of the mylar at the Rockingham County Registry of Deeds must be fulfilled by July 30, 2009, unless otherwise specified or this conditional approval shall become null and void. The following are conditions precedent:
  - a. Applicant must receive all required local, state and federal permitting for the project, and with regard to the amended pre-cast concrete bridge width, the applicant shall provide written proof from the NH Department of Environmental Services Wetlands Bureau that this is permissible; (CONDITION PRECEDENT)
  - b. **FOR SUBDIVISION APPROVAL:** All fees authorized to be charged to applicant pursuant to subdivision and site plan review regulations including, but not limited to, application fees, costs of special studies and legal review, shall be paid by the applicant; (CONDITION PRECEDENT)
  - c. Deeds, easements, conservation easements, condominium documents maintenance agreements, and any other legal documentation pertinent to this development shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a; (CONDITION PRECEDENT)
  - d. An amended Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the amended plan conditional approval date of July 23, 2009. **Failure to execute the required agreement will result in amended conditional plan approval revocation.** (CONDITION PRECEDENT)
  - e. The applicant shall address to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified as a result of his/her peer review. Written concurrence, from the Town's Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval. (CONDITION PRECEDENT)
2. This project is approved for construction in two phases.
  - a. Phase 1 shall include: construction of a gravel driveway in the same location as the proposed roadway, with overhead electrical utilities. A single family dwelling will be constructed on Lot 8 and serviced by a well and septic system. Additionally, the proposed wetlands crossings necessary for the driveway would be constructed. Completion of Phase 1 shall not constitute "active and substantial development or building" pursuant to RSA 674:39. *See Item 4.*
  - b. Phase 2 shall include: The remainder of the work as described in Item 4(a). Additionally, all overhead utilities installed as part of Phase 1 shall be removed and replaced with underground utilities.



3. The Planning Board hereby approves an amendment to the design of the pre-cast concrete bridge spanning wetlands for the driveway to a 12' width instead of the originally approved 24' width. A revised design will be submitted by applicant to Altus Engineering for approval, in writing, prior to start of construction.
4. The following items must be completed within thirty-six (36) months of the completion of the conditions precedent, as confirmed in writing by the Raymond Community Development Director, to constitute "active and substantial development or building" pursuant to (RSA 674:39):
  - a. Installation of utilities infrastructure, completion of all on and off site improvements and construction of Bohle Way to binder grade of pavement in accordance with the approved plans and as confirmed and approved by the Raymond Public Works Director or his designee.
5. The following items must be completed within seventy-two (72) months of the completion of conditions precedent to constitute "substantial completion of the improvements" pursuant to (RSA 674:39):
  - a. Completion of Bohle Way to final grade of pavement as confirmed and approved by the Raymond Public Works Director.
6. Estimates for all improvements shall be provided by Applicant for review and approval by the Raymond Public Works Director or his designee. These estimates will be utilized to establish an inspection escrow account (equal to 4% of the estimated cost of improvements), which must be in place with the Town of Raymond prior to start of any site work. Additionally, these estimates will be used as the basis for computing the Surety/Performance Bond to be provided by Applicant in favor of the Town of Raymond prior to issuance of a Certificate of Occupancy by the Raymond Code Enforcement Officer. Surety/Performance Bond values shall be based upon the value of unfinished work at the time of issuance of said Certificate of Occupancy plus a 10% contingency.
7. The Planning Board, in accordance with Table 3 of the Impact Fee Process and Methodology adopted on January 13, 2005, assesses impact fees for the project as follows: the project consists of (12) new units consisting of (single family dwelling type); the school impact fee for each unit is (\$3,550.00) and the road impact fee is (\$772.00); the total impact fee for each unit is (\$4,322.00) and the total impact fee assessed for the project is (\$51,864.00). If impact fees are not collected for any lot prior to the adoption of any amendments to the 2005 impact fee schedule, then the lots which have not paid impact fees will be subject to the amended fee amount if they are not eligible for the four year vesting status under RSA 674:39. Additionally, once the four year period under RSA 674:39 elapses, then the amount under the amended impact fee schedule can be imposed.
8. This approval is subject to the following waivers, granted by the Raymond Planning Board:

- a. Subdivision Regulations, Article 5, Section 6 E(3) – Road Length (*granted for the yield plan, approved by the Raymond Planning Board on December 6, 2007*).
  - b. Subdivision Regulations, Article 5, Section 5.6.A.5 – Roadway Length (*granted March 6, 2008*).
  - c. Subdivision Regulations, Article 5, Section 6 D – Design Matrix, reduce roadway width from 24’ to 20’ (*granted March 6, 2008*).
9. This approval is subject to the following Variances, granted by the Raymond Zoning Board of Adjustment:
  - a. Use Variance to allow a yield plan for a conservation subdivision to be submitted showing a private road in place of a public road.
  - b. Area Variance to reduce the required setback within a conservation subdivision as follows: According to the plan entitled “ZBA Site Plan – 1,” dated 10/26/07 and last revised 03/05/08, the units shown as 1, 4, 11 & 12 shall have a setback not closer than 15 feet to the external boundary line. The units shown as 2, 3 & 5 shall have a setback not closer than 25 feet to the external boundary line.
10. This approval is subject to a Special Permit for wetland crossing, granted by the Raymond Planning Board on May 15, 2008.
11. The approval is subject to the applicant receiving re-approval from the Raymond Board of Selectmen for a water main extension. All original conditions as outlined by Public Works Director McCarthy shall apply.
12. Other Conditions Imposed by the Planning Board:
  - a. If the applicant gains access via utility easement from Bayou Drive, to provide utilities to the single family dwelling on Lot 8, as part of phase one, that is allowable as long as the applicant provides language to be approved by Town Counsel. Phase 2 shall still require underground utilities.
13. Off site improvement fees for specific deficiencies found to have a rational nexus to this project are as follows: (*describe in detail and amount*)
  - a. \_\_\_\_\_

The motion was seconded by Bill Cantwell. The motion passed with a vote of 6-1-0, with Gretchen Gott opposed to the motion because she feels stabilization is not complete.

**Public Hearing – Clematis Corporation Subdivision**

*Continued from 06/18/2009; Application #2007-030: An application for a 16-lot subdivision has been submitted by Jones & Beach Engineers, Inc. on behalf of 12 & 20 Clematis Corporation. The applicant proposes to subdivide a lot of approximately 18.7 acres into 16 individual lots.*

*The property is shown on Raymond Tax Map 29, Lot 58; Prescott Road. NOTE: This hearing will include a determination of Regional Impact.*

*Members Sitting for this Hearing: Jonathan Wood; Carolyn Matthews; Jim Kent; Bill Hoitt; Gretchen Gott; Doug Vogel; Bill Cantwell.*

Community Development Director Cartier Creveling noted that Altus is still concerned with the drainage on the site. He added in regards to the determination of regional impact, staff has notified and spoken with the Town of Epping numerous times regarding this project. He noted the Town of Epping has not expressed any concern whatsoever.

The Planning Board went through each of the items listed in RSA 36:55, addressing each one individually to determine if the project has regional impact. Those criteria are as follows:

- I. Relative size or number of dwelling units as compared with existing stock;

*The Board found this project did not have regional impact for this criterion.*

- II. Proximity to the borders of a neighboring community;

*The Board found this project did not have regional impact for this criterion.*

- III. Transportation networks;

*The Board found this project did not have regional impact for this criterion.*

- IV. Anticipated emissions such as light, noise, smoke, odors, or particles;

*The Board found this project did not have regional impact for this criterion.*

- V. Proximity to aquifers or surface waters which transcend municipal boundaries; and

*The Board found this project did not have regional impact for this criterion.*

- VI. Shared facilities such as schools and solid waste disposal facilities.

*The Board found this project did not have regional impact for this criterion.*

MOTION: Bill Cantwell made a motion that Application #2007-030 does not have regional impact. Jim Kent seconded. The motion passed with a unanimous vote of 7-0-0.

Joe Coronati of Jones & Beach Engineers, Inc. reviewed the outstanding concerns on the Altus Engineering review letter dated July 2, 2009, and offered his responses/resolutions to the Board.

Mr. Coronati noted he needs to re-apply for State Subdivision Approval because four lots (lots 2, 3, 9 and 10) have reduced in size from the original approval.

Mr. Coronati noted that one of the lots has been eliminated from the plans, so this is now a 15-lot subdivision.

Mr. Coronati explained a deceleration lane has been added to the plans on Prescott Road that will push the snow further back off the road, and prevent snow banks from obstructing view. Bill

Cantwell stated Altus has never before dealt with snow banks in regards to sight distance. He stated he was curious as to why it appeared on this review. Mr. Cartier Creveling replied he can check with Altus.

#### PUBLIC COMMENT

There was no public comment.

MOTION: Carolyn Matthews made a motion to approve Application #2007-030 for a 15-lot Conventional Subdivision proposed by 12 & 20 Clematis Corporation on Raymond Tax Map 29, Lot 58 with the following conditions:

1. The conditions of approval designated as conditions precedent to signing and recording of the mylar at the Rockingham County Registry of Deeds must be fulfilled within six (6) months, unless otherwise specified, or this approval shall become null and void. The following are conditions precedent:
  - a. Applicant must receive all required local, state and federal permitting for the project;
  - b. All fees authorized to be charged to applicant pursuant to subdivision and site plan review regulations including, but not limited to, application fees, costs of special studies and legal review, shall be paid by the applicant **prior to signing the Mylar**;
  - c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this development shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
  - d. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the plan approval date of July 23, 2009. **Failure to execute the required agreement will result in plan approval revocation.**
  - e. The applicant shall address to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified as a result of this peer review. Written concurrence, from the Town's Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.
2. The following items must be completed within twelve (12) months of the completion of conditions precedent to constitute "active and substantial development or building" pursuant to (RSA 674:39):
  - a. Installation of utilities infrastructure and construction of the proposed roadway to binder grade of pavement as confirmed and approved by the Raymond Public Works Director or his designee.
3. The following items must be completed to constitute "substantial completion of the improvements" pursuant to (RSA 674:39):

- a. Completion of the proposed roadway to final grade of pavement as confirmed and approved by the Raymond Public Works Director or his designee.
4. Estimates for all improvements shall be provided by Applicant for review and approval by the Raymond Public Works Director or his designee. These estimates will be utilized to establish an inspection escrow account (equal to 4% of the estimated cost of improvements), which must be in place with the Town of Raymond prior to start of any site work. Additionally, these estimates will be used as the basis for computing the Surety/Performance Bond to be provided by Applicant in favor of the Town of Raymond prior to issuance of a Certificate of Occupancy by the Raymond Code Enforcement Officer. Surety/Performance Bond values shall be based upon the value of unfinished work at the time of issuance of said Certificate of Occupancy plus a 10% contingency.
5. The Planning Board, in accordance with Table 3 of the Impact Fee Process and Methodology adopted on January 13, 2005, assesses impact fees for the project as follows: the project consists of 15 new units consisting of single family dwelling type; the school impact fee for each unit is \$3,550.00 and the road impact fee is \$772.00; the total impact fee for each unit is \$4,322.00 and the total impact fee assessed for the project is \$64,830.00. If impact fees are not collected for any lot prior to the adoption of any amendments to the 2005 impact fee schedule, then the lots which have not paid impact fees will be subject to the amended fee amount if they are not eligible for the four year vesting status under RSA 674:39. Additionally, once the four year period under RSA 674:39 elapses, then the amount under the amended impact fee schedule can be imposed.
6. The approval is subject to the applicant receiving re-approval from the Raymond Board of Selectmen for a water main extension to service the development with Town Water.
7. Other Conditions Imposed by the Planning Board:
  - a. Applicant shall submit a maintenance plan for drainage swales and detention pond, and provide a maintenance bond upon completion of the project.
  - b. A note shall be added to the plan to clarify the utility easement interior boundary is also the building setback for Lots 58, 58-10, 58-11 and 58-12. This condition of approval is based on a plan revision dated July 20, 2009.
8. Off site improvement fees for specific deficiencies found to have a rational nexus to this project are as follows: *(describe in detail and amount)*
  - a. n/a

The motion was seconded by Jim Kent. The motion passed with a unanimous vote of 7-0-0.

## **Other Business**

Community Development Director Cartier Creveling stated the Master Plan chapters will be posted on the web site tomorrow. The first public hearing is scheduled for August 13, and the second September 10.

The Board heard reports from its members serving on other Boards and Committees.

**Adjournment**

MOTION: Carolyn Matthews made a motion to adjourn. Bill Cantwell seconded. The motion passed with a unanimous vote of 7-0-0. The meeting adjourned at 10:10 p.m.

Respectfully Submitted,

Robert Price  
Planning Technician